

**RULE FOR THE ASSIGNMENT OF CASES**  
**IN THE POSEY CIRCUIT AND SUPERIOR COURTS**  
**AND FOR CHANGE OF JUDGE IN FELONY**  
**AND MISDEMEANOR CASES**

The following procedure shall be applied by the Clerk of the Courts of Posey County for the non-discretionary assignment of cases between the Courts of Posey County and for the selection of a Judge in a felony or misdemeanor case in the event of a Change of Judge or the entry of an order of disqualification or recusal:

1. **Felony (CF)** cases shall be randomly assigned to the Courts in accordance with paragraph 7 of this Rule. If an Information filed contains both felony and misdemeanor charges, the case shall be considered a felony case (CF).
2. **Misdemeanor (CM)** cases shall be assigned to the Posey Superior Court.
3. **Civil Plenary (CP, CT, MI)** cases shall be randomly assigned to the Courts in accordance with paragraph 7 of this Rule with the exception that petitions for hardship license shall be assigned to the Posey Superior Court and petitions for change of name shall be assigned to the Posey Circuit Court.
4. **Dissolution of Marriage (DR)** cases shall be assigned to the Posey Circuit Court beginning October 1, 1999.
5. **Small Claims (SC), Traffic Violations and Other Infractions (IF), Ordinance Violations (OV), and Protective Order (PO)** cases shall be assigned to the Posey Superior Court.

6. **Mental Health (MH), Juvenile (JC, JD, JS, JM, JT), Reciprocal Support (RS), Paternity (JP), Adoption (AD), and Probate (ES, EU, GU, TR)** cases shall be assigned to the Posey Circuit Court.

7. The Clerk of the Courts of Posey County is directed to devise and utilize a plan for the random and equal assignment of felony and civil plenary cases to the Posey Circuit and Superior Courts.

8. In the event a change of judge is granted by the Judge of the Posey Circuit or Superior Court in a felony or misdemeanor case under the provisions of Indiana Criminal Rule 12 or in the event an order of disqualification or recusal is entered by the Judge of the Posey Circuit or Superior Court in a felony or misdemeanor case, the Clerk shall assign the case to the Judge of the Posey Superior or Circuit Court, as the case may be. Should the Judge of the Posey Superior or Circuit Court be ineligible to serve as Judge in the case thus assigned, the case shall then be assigned by the Clerk to a duly appointed Senior Judge in the court or in a random and equal manner to one of the following Judges from a county contiguous with Posey County who have consented to serve as Judge in the Posey Circuit and Superior Courts: **the Honorable Marvin D. Stratton, Judge of Pike Circuit Court, the Honorable Earl G. Penrod, Judge of the Gibson Superior Court, and the Honorable Walter H. Palmer, Judge of Gibson Circuit Court.** The Judge shall be selected randomly in accordance with the manner described in paragraph 7 of this rule. Should a Judge to whom a case has been thus assigned be ineligible to serve as Judge in the case, the case shall be assigned to one of the other Judges listed in accordance with this Rule. If no Judge is available to serve under the provisions of this Rule or if the Judge of the Posey Circuit or Superior Court

feels that special circumstances merit the appointment of a Special Judge, the Court shall certify the case to the Supreme Court for the appointment of a Special Judge.

9. A Judge assigned to a case pursuant to the Rule remains the Judge in the case unless the Judge shall become ineligible to serve as Judge in the case, in which event a new Judge shall be assigned in accordance with this Rule if the case is a felony or misdemeanor or, in all other cases, in accordance with the Indiana Rules of Trial Procedure.

10. In the event a felony or misdemeanor case is dismissed and refiled or a new case is filed based on the same underlying incident, the Judge assigned to the case at the time of the dismissal shall be assigned as the Judge in the case upon the case being refiled or the new case filed unless the Judge in the dismissed case shall order otherwise, in which event the case shall be assigned to another Judge in accordance with this Rule.

11. The Judge of the Posey Circuit or Superior Court may transfer any case to the Posey Superior or Circuit Court, as the case may be, with the permission of the Judge of the Court to which the case is to be transferred.

**RULE FOR THE SELECTION OF A SPECIAL JUDGE**  
**IN A CIVIL CASE IN THE**  
**POSEY CIRCUIT AND SUPERIOR COURTS**

In the event that it shall become necessary to select a Special Judge in the Posey Circuit or Superior Court pursuant to Rule 79 (H), Indiana Rules of Procedure, the following procedure shall be used in the selection of the Special Judge:

1. The Judge of the Posey Circuit Court shall serve as Special Judge in all cases in the Posey Superior Court, and the Judge of the Posey Superior Court shall serve as Special Judge in all cases in the Posey Circuit Court.

2. In the event that the Judge of the Posey Circuit Court or Posey Superior Court is unable to serve as Special Judge in a case in the Posey Superior or Circuit Court, as the case may be, then a Special Judge shall be selected at random from the following list of eligible Judges in accordance with a procedure devised and utilized by the Clerk of the Courts: the Honorable Marvin D. Stratton, Judge of Pike Circuit Court, the Honorable Earl G. Penrod, Judge of Gibson Superior Court, the Honorable Walter H. Palmer, Judge of the Gibson Circuit Court and the Honorable Robert R. Aylsworth, Judge of Warrick Superior Court.

3. If no Judge is available to serve under the provisions of this rule or if the Judge of the Posey Circuit or Superior Court feels that special circumstances merit the appointment of a Special Judge by the Indiana Supreme Court, the Court shall certify the case to the Supreme Court for the appointment of a Special Judge.

**AMENDED**

**POSEY COUNTY LOCAL RULE CONCERNING COURT REPORTERS**

The undersigned courts comprise all of the courts of record of Posey County, Indiana and hereby adopt the following local rule by which court reporters services shall be governed.

**Section one: Definitions. The following definitions shall apply under this local rule.**

- (1) A **Court Reporter** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) **Equipment** means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing and transcribing electronic data.
- (3) **Work Space** means that portion of the court's facilities dedicated to each court reporter including but not limited to actual space in the courtroom and any designated office space.
- (4) **Page** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) **Regular hours worked** means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) **Gap hours worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) **Overtime hours worked** means those hours worked in excess of forty (40) hours per work week.

(9) **Work week** means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) **Court** means the particular court for which the court reporter performs services. Court may also mean all of the courts in Posey County.

(11) **County indigent transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) **State indigent transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) **Private transcript** means a transcript, including but not limited to a deposition transcript and a transcript requested by a party who is not indigent, that is paid for by a private party.

(14) **Minimum fee** means the minimum amount a Court Reporter may charge for a small transcript which does not add up to \$35.00 and the fee is not to be used in addition to the per page fee.

(15) **Labor fee** is a fee that Court Reporters may charge for the amount of time spent binding the transcript and exhibit binders which is to be figured at approximately hourly rate based upon the Court Reporter's annual court compensation.

(16) **Office supplies** are the supplies required and utilized for the binding and electronic transmission of the Transcripts and the Court Report may be reimbursed for the office supplies pursuant to a Schedule of Transcript Supplies for the Posey Circuit and Posey Superior Courts.

(17) **Expedited transcripts** are transcripts that have been requested to be prepared by court reports with a completion date of within 30 days.

## **Section two. Salaries and Per Page Fees.**

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50\*\*\*, including pages prepared for the Index and Table of Contents plus \$2.00\*\*\* per page for each exhibit page, plus office supply costs pursuant to the Schedule of Transcript Supplies; the Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts that are not prepared during regular work hours.

(3) The maximum per page fee a court report may charge for the preparation of a state indigent transcript shall be \$3.50\*\*\*, including pages prepared for the Index and Table of Contents, plus \$2.00\*\*\* per page for each exhibit page, plus office supply costs pursuant to the Schedule of Transcript Supplies; and monies shall be paid directly to the court reporter if done during non-regular work hours or the monies shall be paid directly to the court for any transcriptions that are prepared during regular work hours.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50\*\*\*, including pages prepared for the Index and Table of Contents, plus \$2.00\*\*\* per page for each exhibit page, plus office supply costs pursuant to the Schedule of Transcript Supplies.

(5) If a court reporter is requested to prepare a non-indigent transcript, all such transcripts are to be transcribed outside of regular working hours and the costs of the transcripts are to be paid directly to the court reporter. The preparation of these transcripts is considered part of the court reporter's regular duties.

(6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent (transcripts not prepared during regular work hours) or private transcripts to the Indiana Supreme Court

Division of State Court Administration . The reporting shall be made on forms prescribed by the Division of State Court Administration.

- (7) Each court reporter may charge a labor fee for the time spend bind the transcript and the exhibit binds based upon the Court Reporter's annual court compensation.
- (8) Each court reporter may charge for office supplies required and utilized for the binding and electronic transmission of the Transcript pursuant to the Schedule of Transcript Supplies for the Posey Circuit and Posey Superior Courts.
- (9) Each court reporter may charge a minimum transcript fee of \$35.00 for transcript less than 10 pages in length. (This is not in addition to the per page fee).
- (10) The maximum per page fee a court reporter may charge for the preparation of a private expedited transcript with the completion date of within 30 days shall be \$5.00\*\*\*, including pages prepared for the Index and Table of Contents, plus \$2.00\*\*\* per page for each exhibit page, plus office supply costs pursuant to the Schedule of Transcript. The maximum per page fee a court reporter may charge for the preparation of a private expedited transcript with the completion date of within 5 working days shall be \$7.00\*\*\*, including pages prepared for the Index and Table of Contents, plus \$2.00\*\*\* per page for each exhibit page, plus office supply costs pursuant to the Schedule of Transcript.

### **Section Three. Private Practice**

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must at a minimum designate the following:
  - (a) The reasonable market rate for the use of equipment, work space and supplies;
  - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
  - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.



(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

#### **SCHEDULE OF COST OF TRANSCRIPT SUPPLES**

The following are the prices Court Reporters in Posey County's Courts are allowed to charge for the use of each of the following items in the preparation of transcripts:

*	3.5 Diskette and plastic cover (priced together)	\$1.00 for each one used
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- \* Binders \$1.00 for each one used  
(per each binder that is used for a transcript)
- \* Labels to Identify exhibits \$0.05 for each one used
- \* Film and cost of development Actual cost with receipt being provided
- \* Plastic sleeves for exhibits \$.10 for each one used

**Any other supplies used will be charged at the cost to the Court Reporter with a receipt being provided**

Prices will be modified to reflect increases in costs as such apply to the Court Reporter.

Adopted the \_\_\_\_ day of \_\_\_\_\_, 200 , and reaffirmed

this \_\_\_\_ day of \_\_\_\_\_, 200 .

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Honorable James M. Redwine  
Judge Posey Circuit Court

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Honorable S. Brent Almon  
Judge, Posey Superior Court